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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 HSBC BANK USA, N.A.,

12 Plaintiff(s),

13 v.

14 FLAMINGO 316, LLC, et al.,

15 Defendant(s).

Case No.: 2:17-cv-02400-JAD-NJK

**Order**

16 United States District Judge Jennifer A. Dorsey ordered that a mandatory settlement  
17 conference be held in this case. Docket No. 60. Attorney Luis Ayon represents two individually-  
18 named Defendants (Tom Dadon and Daniela Dadon) and several corporate defendants (Flamingo  
19 316, Dadon Condos, and Meridian Resorts LLC 220 E Flamingo Unit 316 Series). The  
20 individually-named Defendants did not appear at the settlement conference despite a clear order  
21 that they must do so absent the filing and granting of a request for exception. Moreover, when the  
22 Court ordered at the settlement conference that Tom Dadon and Daniela Dadon appear within 20  
23 minutes, Mr. Ayon represented to the Court that they were in Israel. Given these and other  
24 problematic circumstances, the Court issued an order to show cause identifying specific details  
25 that Mr. Ayon, Tom Dadon, and Daniela Dadon were required to submit in declaration form.  
26 Docket No. 70. The responses to date have been incomplete and evasive. For example, the Court  
27 required a declaration from Tom Dadon identifying “his location at 9:00 a.m. (Pacific daylight  
28 time) on May 9, 2019,” *id.* at 2, but he instead submitted a declaration attesting to what he was

1 doing at that time, Docket No. 72 at 2. That was not the information ordered.<sup>1</sup> Even worse, no  
2 declaration has been filed from Daniela Dadon.<sup>2</sup>

3 The Court will provide one final opportunity for Mr. Ayon, Tom Dadon, and Daniela  
4 Dadon to provide information as ordered. **If they choose to again evade the Court's inquiry,**  
5 **the Court will begin contempt proceedings and/or impose sanctions beyond those currently**  
6 **being contemplated.** The Court hereby **ORDERS** Mr. Ayon, Tom Dadon, and Daniela Dadon to  
7 file declarations by May 29, 2019, as follows:

- 8 • A declaration from Mr. Ayon made in compliance with 28 U.S.C. § 1746 attesting to:  
9 (1) the specific basis for his representation in the settlement statement (signed on May  
10 6, 2019) that the settlement conference would be attended by Shaul Dadon, Tom  
11 Dadon, Daniela Dadon, and Itay Dadon; (2) as of the hearing held on May 7, 2019, Mr.  
12 Ayon's belief and understanding as to exactly who would be attending the settlement  
13 conference; (3) the specific basis of that understanding; (4) as of the settlement  
14 conference at 9:00 a.m. (Pacific daylight time) on May 9, 2019, Mr. Ayon's belief and  
15 understanding as to the location of Tom Dadon and Daniela Dadon at that specific date  
16 and time; (5) the specific basis for that understanding; (6) the specific basis for Mr.  
17 Ayon's representation to the Court at the settlement conference that Tom Dadon and  
18 Daniela Dadon were at that moment located in Israel; and (7) the steps Mr. Ayon took  
19 (if any) to ensure compliance with the Court's settlement conference attendance  
20 requirements after he was admonished for similar conduct on November 13, 2018, *see*  
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23 <sup>1</sup> Of course, declarations filed in federal court must comply with 28 U.S.C. § 1746. Mr.  
24 Ayon's own declaration included a provision that it was being submitted "under penalty of perjury  
25 under the laws of the United States of America that the foregoing is true and correct to the best of  
my knowledge, information and belief." Docket No. 71 at 6. Conspicuously absent from Tom  
Dadon's declaration is any similar language. *See* Docket No. 72.

26 <sup>2</sup> It appears Mr. Ayon did not believe he was required to comply with that aspect of the  
27 order based on his ridiculous assertion that Ms. Dadon does not have settlement authority. *See*  
28 Docket No. 71 at 5. As a threshold matter, that is directly contrary to Mr. Ayon's representation  
to the Court in the settlement statement indicating that "Daniela Dadon" has "full settlement  
authority." Moreover, Mr. Ayon provides no explanation how Ms. Dadon would not have  
settlement authority with respect to claims that have been brought against her.

1 *Bank of N.Y. Mellon v. Painted Desert Community Assoc.*, Case No. 2:17-cv-01466-  
2 JCM-NJK, Docket No. 64 (D. Nev. Nov. 13, 2018).

- 3 • A declaration from Tom Dadon made in compliance with 28 U.S.C. § 1746 attesting to  
4 his location at 9:00 a.m. (Pacific daylight time) on May 9, 2019. If Mr. Dadon attests  
5 to being out of town or out of the country, the declaration must also attach a true and  
6 accurate copy of the travel documentation.
- 7 • A declaration from Daniela Dadon made in compliance with 28 U.S.C. § 1746 attesting  
8 to: (1) her location at 9:00 a.m. (Pacific daylight time) on May 9, 2019; and (2) the  
9 date on which she was first aware of the settlement conference set in this case. If Ms.  
10 Dadon attests to being out of town or out of the country, the declaration must also attach  
11 a true and accurate copy of the travel documentation.

12 Lastly, the declaration from Shaul Dadon references an attachment of travel documents,  
13 but it does not actually attach them. *See* Docket No. 73. The declaration is also not sworn under  
14 penalty of perjury as required by 28 U.S.C. § 1746. The declaration also does not actually attest  
15 as to Shaul Dadon's location as of 9:00 a.m. (Pacific daylight time) on May 9, 2019. To the extent  
16 consideration of this declaration is sought, a proper declaration from Shaul Dadon correcting these  
17 shortcomings must be filed by May 29, 2019.

18 IT IS SO ORDERED.

19 Dated: May 22, 2019

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22 Nancy J. Koppe  
23 United States Magistrate Judge  
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